

United States District Court
Eastern District of California

Jeffers P. Dickey,

Plaintiff,

vs.

M. Churray,

Defendant.

No. Civ. S 03-2215 MCE PAN P

Order

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Plaintiff, a state prisoner without counsel, claims defendant failed to protect him from inmates who attacked him on the exercise yard. The court herein addresses plaintiff's June 22, 2005, discovery motion.

Plaintiff's Interrogatory 4, asked for the name, address, and badge/prisoner identification number of each person who witnessed the attack, made or heard statements regarding it, or had knowledge of it. Defendant provided plaintiff a copy of Crime/Incident Report No. SAC-FAS-01-11-0510 and stated the

1 document identified all witnesses. Plaintiff attempted to confer
2 with defendant, asking for addresses of eight inmates plaintiff
3 contends witnessed the event. Defendant did not respond.
4 Defendant shall provide the requested addresses.

5 Interrogatory 5 asked defendant to identify and provide the
6 address of anyone interviewed about the incident by "anyone
7 acting on [defendant's] behalf." Defendant admits an
8 investigation was made through the warden's office, but argues it
9 was not on his "behalf." Defendant shall provide the requested
10 information.

11 Request for production of documents number 5 asked defendant
12 to produce copies of all materials directing his duties and
13 responsibilities as a control officer. These materials are
14 irrelevant; what matters in this case is what the constitution
15 required, not what a manual may or may not have required. No
16 further response is required.

17 Plaintiff's June 22, 2005, motion to compel discovery is
18 granted in part. Defendant shall respond as herein provided
19 within ten days.

20 So ordered.

21 Dated: November 29, 2005.

22 /s/ Peter A. Nowinski
23 PETER A. NOWINSKI
24 Magistrate Judge
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